

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 3972	DATE	11/15/2000
CASE TITLE	IGT Reptest vs. Testprint BV		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

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## DOCKET ENTRY:

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Testprint's motion for its dismissal from this action is granted. (14-2) Its motion to quash service of process, although it appears to have equal merit, need not be decided because it is rendered moot by that dismissal. (14-1) This action will proceed against the Netherlands corporation, Testprint BV, alone. Testprint Inc. is dismissed as a party to this action.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.	<div style="text-align: center;"> ED-7  FILED FOR DOCKETING  00 NOV 15 PM 2:33 </div>	number of notices	<div style="text-align: center;"> 22 </div>
<input type="checkbox"/>	No notices required.		NOV 16 2000 date docketed	
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.		IS docketing deputy initials	
<input type="checkbox"/>	Notified counsel by telephone.		11/15/2000 date mailed notice	
<input type="checkbox"/>	Docketing to mail notices.		SN	
<input type="checkbox"/>	Mail AO 450 form.		mailing deputy initials	
<div style="display: flex; justify-content: space-between;"> <div>SN</div> <div>courtroom deputy's initials</div> </div>		Date/time received in central Clerk's Office		

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DOCKETED  
NOV 16 2000

IGT REPROTEST BV, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 00 C 3972
	)	
TESTPRINT BV, et al.,	)	
	)	
Defendants.	)	

MEMORANDUM OPINION AND ORDER

Testprint, Inc. ("Testprint"), one of the two defendants targeted in this action by coplaintiffs IGT Reprotest BV and IGT Reprotest, Inc. (collectively "IGT"), has filed a motion to quash service of process or to be dismissed for lack of personal jurisdiction. With the filing of IGT's memorandum in opposition and then Testprint's Reply Memorandum, the motion is fully briefed and ripe for disposition. For the reasons briefly stated in this memorandum opinion and order, the dismissal motion is granted (thus mooted the motion to quash service).

Testprint's Reply Memorandum provides chapter and verse as to the barrenness of IGT's effort to draw Testprint into this litigation by referring to conduct that is ascribable to Testprint's codefendant Testprint BV (a Netherlands corporation) and to that codefendant alone. This Court has examined each side's factual and legal assertions, and it finds Testprint to have demonstrated conclusively that none of the gossamer threads by which IGT's counsel seeks to tie Testprint to an Illinois

22

forum has any strength at all. There is no need to echo Testprint's presentation and analysis as set out in that Reply Memorandum--although this Court almost never adopts a litigant's presentation as its own, this is the rare exception that proves the rule: Testprint is correct in every respect, from the nature of IGT's burden of proof to the absence of any viable basis for haling Testprint into this forum.

Indeed, the situation here runs even more powerfully in Testprint's favor than that described in Central States, S.E. & S.W. Areas Pension Fund v. Reimer Express World Corp., No. 00-1502, 2000 WL 1533144, at \*7-\*9 (7<sup>th</sup> Cir. Oct. 18). There our Court of Appeals rejected the assertion of personal jurisdiction over a corporation on the basis of activity that was really conducted by and chargeable to a close corporate affiliate rather than to the targeted defendant (in Reimer the corporate affiliate was a subsidiary of the putative defendant, while here Testprint and the Netherlands corporation are at most sister corporations). Nor of course is Reimer alone in taking that stance, for it cites a substantial number of earlier cases to the same effect.

Accordingly, as stated at the outset of this opinion, Testprint's motion for its dismissal from this action is granted. Its motion to quash service of process, although it appears to have equal merit, need not be decided because it is rendered moot

by that dismissal. This action will proceed against the  
Netherlands corporation, Testprint BV, alone.

A handwritten signature in cursive script, appearing to read "Milton I. Shadur".

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Milton I. Shadur  
Senior United States District Judge

Date: November 15, 2000